

Parish: Kirkby
Ward: Stokesley

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Committee Date: 27 October 2022
Officer dealing: Mr Nathan Puckering
Target Date: 18 March 2022
Date of extension of time (if agreed): 31 March 2022

22/00032/FUL

Conversion of former agricultural buildings to one farm workers dwelling.

At: Dromonby Grange Farm, Kirkby In Cleveland, Middlesbrough, North Yorkshire
For: M r& Mrs David Hugill.

This application is brought to Members due to the applicant being an elected Member of the Council.

1.0 Site, Context and Proposal

- 1.1 Dromonby Grange Farm is an agricultural unit located to the south of Busby Lane, between Kirkby in Cleveland and Great Busby. A track leads some 535m south off the highway to the unit which comprises a range of typical agricultural buildings, many of which adjoin one another. There is also a small dwelling on the site which is under separate ownership. To the rear of this dwelling, on the north western edge of the built unit, are a range of older brick-built outbuildings which are on the most part dilapidated to the point of partial collapse. The wider unit extends to over 100ha, spread across this site and land in Faceby. The main operation is cattle, with currently up to 420 cattle on the unit.
- 1.2 The surrounding area is generally undulating, although land levels fall away as one heads south from Busby Lane and as such the site is lower than the road to the north. There are numerous agricultural units to both the north and south of Busby Lane between Kirkby and Great Busby, although due to the distance these are set back and owing to the dense landscaping that lines the road, they have a fairly limited landscape impact. A PROW does run west from the village of Kirkby which passes Dromonby Grange Farm around 85m to the north and offers views of the wider unit but due to surrounding trees these are fairly limited.
- 1.3 In the centre of the unit is a small range of buildings which this application specifically concerns. The main element of the range is a stone built two storey barn with a shallow dual pitched slate roof. This is adjoined to the east by a fairly large former wheelhouse which comprises a blockwork and corrugated sheeting lean-to extension that runs the length of the eastern side of the building. To the west is a smaller lean-to outbuilding which adjoins the front of a range of open sided barns.
- 1.4 This application is seeking permission for the conversion of this range of buildings to an agricultural worker's dwelling. The main two storey section will become the core of the dwelling, providing 3 bedrooms with an optional fourth noted on the plans as office space. The aforementioned open sided barns to the west will be partially demolished, with the remainder becoming the main bedroom. External steps behind this will lead up to the first floor of the main barn which will contain the kitchen and living space. The northern half of the wheelhouse to the east will be demolished with a smaller lean-to extension in its place providing a main entrance. Fenestration will be inserted, mainly to the south and west elevations.

- 1.5 Initially the proposal also included the conversion of a range of brick-built outbuildings to holiday let units, but this was omitted after discussions with Officers and the proposal is now a single agricultural worker's dwelling.

2.0 Relevant Planning and Enforcement History

- 2.1 00/50769/O - Outline application for the construction of an agricultural worker's dwelling - Refused due to it being believed the other dwelling on the unit was adequate to provide on-site accommodation.

3.0 Relevant Planning Policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy S5: Development in the Countryside

Local Plan Policy HG4: Housing Exceptions

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy IC2: Transport and Accessibility

National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council - Kirkby Parish Council has no objection to planning application 22/00032/FUL but would request that the farm workers dwelling has an agricultural condition attached, as suggested in the supporting statement.
- 4.2 NYCC Highways - Given the proposal would actually lead to net reduction in journeys to and from the site, there are no objections.
- 4.3 Environmental Health - Environmental Health has no objection to this application provided conditions are added that restrict the occupancy of the agricultural workers accommodation to agricultural workers only.
- 4.4 Environmental Health (Contaminated Land) - No objection subject to condition covering the discovery of unexpected contamination.
- 4.5 Street Naming & Numbering - Yes, an application would be required.
- 4.6 Northumbrian Water were consulted but submitted no comments.
- 4.7 Site Notice - No comments received.

5.0 Analysis

5.1 The main issues for consideration are i) the principle of an agricultural workers dwelling on this unit, ii) design & the character and appearance of the open countryside, iii) amenity, iv) ecology/protected species, v) the impact on the Teesmouth and Cleveland Coast SPA (nutrient neutrality) and vi) highway safety.

The Principle

5.2 The site in this instance is not part of, or adjacent to, any settlement and hence equates to development in the open countryside. Residential development in such locations is generally unsustainable and thus would not be permissible in the context of the Local Plan and the NPPF. Notwithstanding, there is an acceptance that there must be exceptions to this rule, one of which is in the case of rural workers.

5.3 Policy HG4: Housing Exceptions of the Local Plan sets out a criterion against which proposed rural workers dwellings must be assessed. This reads as follows:

- i. there is a clearly established functional need for a continuous on-site presence that can only be met by the new dwelling;
- j. the need relates to a full-time worker;
- k. the rural enterprise has been operational for a minimum period of three years and is demonstrated to be commercially viable and has clear prospects for remaining so;
- l. the need could not be met by another existing dwelling or through conversion of a suitable building on the operational unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker(s) concerned; and
- m. the new dwelling is of a size which is commensurate with the established functional requirement of the enterprise.

5.4 Additional detail has been submitted through the course of the application, in terms of the agricultural operation and the requirement for a new dwelling on the site to support this. Officers requested a statement which addressed the above criteria, and this was submitted by the agent. In terms of general background to the operation, it extends to just over 100ha and is managed from a different site some 15 minutes away from Dromonby Grange - Turtle Hill Farm, Faceby. The main enterprise on this site is cattle breeding and rearing. There are a range of daily tasks that require the applicant to travel from Faceby to Dromonby Grange. These can be summarised as follows:

- Moving the cattle to fresh pasture by relocating electric fencing.
- Operating the feeder wagon to feed the cattle that are housed.
- In summer, the tightly stocked cattle need to be checked twice a day, along with artificial insemination which can take place at any time of the day depending on optimum heat duration. In winter when then animals are all housed, the work is daily supervision, feeding, bedding up as well as the other management tasks of weighing, and sorting for market etc.

5.5 It is accepted that it is not practical nor representative of sustainable practice for one to have to travel 4 miles each way several times a day to carry out these daily tasks at this second site. The applicant has noted that this is often compounded by other

problems which are out of his control, such as extreme weather. Indeed, it has to be noted that ordinarily an operation such as Dromonby Grange alone would be expected to be supported by a dwelling, let alone the operation at Faceby on top of this. In this respect, it is accepted that the cattle operation at Dromonby Grange is large enough to justify the need for permanent on-site dwelling for a worker. As such, requirement i. is met.

- 5.6 Regarding para j., the need relates to a full-time worker who the agent has stated will be a member of the family that currently works on the unit. Thus requirement j. is met.
- 5.7 This unit is a long-established operation that has been in existence as a business for upwards of 30 years. The agent has set out the current investment that is taking place to grow the operation in the coming years. On this basis, it is accepted that the business is operating at a profit that means its medium-term future appears to be secure. In this respect, requirement k. is met.
- 5.8 It is noted that there is an existing dwelling on the site. Indeed, this is the reason previous applications for a rural workers dwelling have been refused - albeit this was over 20 years ago. This was raised with the agent as the initial Location Plan indicated this was still in the ownership/control of the applicant. However, this was confirmed as being an oversight and the plan was corrected. A corrected Location Plan indicates that the dwelling that is immediately adjacent to the site is not available to fulfil the need for on-site accommodation. Any other dwelling in the area that may be available would defeat the object of relocating the worker to this site to avoid travelling several times a day to and from Dromonby Grange and wouldn't provide the same on-site assistance that has been established as required for this operation. Therefore, requirement l. is met.
- 5.9 The proposed rural workers dwelling is a 3-bed unit which it is accepted is fairly large in scale. However, the aim is to provide a long-term family dwelling for a member of the applicant's family to commit to working on the unit indefinitely. As a result, a dwelling capable of accommodating a family is necessary and justified. In any event, one must consider that one of the reasons the dwelling is designed in the proposed way is due to it being a conversion and working with what is already in situ. Overall, the proposed dwelling is proportionate and meets the requirements of para m.
- 5.10 The above assessment demonstrates that the proposed rural workers dwelling is justified when assessed against policy HG4 and therefore the principle of the development is acceptable.

Design & Impact on the Countryside

- 5.11 Policy S5 governs development in the open countryside and outlines that the Council will seek to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource. Generally speaking, this will be achieved by only granting permission for development when it can be demonstrated it would not harm the character, appearance and environmental qualities of the area in which it is located.

- 5.12 Also relevant is policy E1 which relates to the design of development. This requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It goes on to outline a number of design principles that help to achieve this aim. Most relevant in this case is ensuring inspiration is drawn from the key characteristics of a sites surroundings and respecting and contributing positively to local character.
- 5.13 On the whole, the proposal is for a sympathetic and appropriate barn conversion that will be a high-quality addition to this rural site. The way in which the conversion has been designed means that the external appearance of the building will actually be improved by rectifying some of the lower quality aspects of the building, i.e. the later lean-to extensions, and reinstating what is actually a relatively attractive stone-built barn. In doing so there will clearly be a certain level of 'domestication' of the building and site, but the rural character will still be overtly evident. In this respect, the requirements of policy E1 are met.
- 5.14 In terms of the overall impact on the character and appearance of the countryside, this will ultimately be very low. As noted, there will obviously be a level of 'domestication' but this will be very limited and will be within the confines of an established agricultural unit that means it won't actually be perceptible. The PROW to the north is noted but due to landscaping and the other buildings on the unit, even from this the converted dwelling will not be visible.
- 5.15 All in all, the development will be a high-quality conversion scheme that will have a neutral impact on the wider character and appearance of the open countryside. It therefore complies with policies S5 and E1 of the Local Plan.

Amenity

- 5.16 Policy E2 of the Local Plan states "All proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use."
- 5.17 Clearly the proposal is for a dwelling in the middle of a working farm which ordinarily would present issues in terms of noise and odour which would lead to a conflict with policy E2 that would render the development unacceptable. However, in this case the dwelling is an agricultural worker dwelling that has a functional requirement to be located here. As such, the impact on amenity in this respect is not a reason for refusal on this occasion.

Ecology & Biodiversity

- 5.18 Policy E3 of the Local Plan now requires all development to demonstrate a net gain for biodiversity. No details regarding landscaping have been provided as part of this application. However, this site is in the centre of a working agricultural unit and effectively comprises a set of dilapidated buildings and an area of hardstanding. The biodiversity value is therefore negligible. On this basis, Officers are content that the risk in terms of biodiversity is very low, and this matter can be dealt with through a suitable condition.

5.19 Given the nature and age of the buildings that are to be impacted, an Ecological Impact Assessment was requested to ensure no protected species would be adversely impacted by the conversion and/or partial demolition. This included a visual assessment of the building by an ecologist which identified no evidence of barn owls or bats being present but that there was low risk potential bat roost habitats within the building. To further assess this, an emergence survey was carried out that identified two roosts which will be lost. The applicant is now aware that a Natural England licence will be required prior to works commencing. General mitigation measures are also recommended by way of bat boxes. Measures to protect nesting birds will also be required relating to the timing of the works. A suitable condition covering these matters is recommended. On that basis, the development will not have an unacceptable impact on protected species.

Impact on the Teesmouth and Cleveland Coast SPA (nutrient neutrality)

5.20 On 16th March 2022 Natural England identified that the Teesmouth and Cleveland Coast Special Protection Area is being adversely affected by nutrient pollution. An immediate requirement is not to issue any further planning approvals that would increase the discharge of nutrients into the River Tees catchment. This site falls within said catchment. Since this first announcement, Natural England have created a 'nitrogen calculator' that allows one to compare the nitrogen output from a proposed development relative to the existing use.

5.21 Using this tool, the agent has submitted evidence to demonstrate that the lawful use of using the buildings for livestock would actually have a greater impact in terms of nitrogen output than the proposed dwelling. This is based on a specified package treatment plant being used. In light of this, provided a condition is included requiring the specific package treatment plant to be installed prior to occupation, the change of use to a dwelling will not lead to any additional harm to the Teesmouth and Cleveland Coast SPA in terms of nitrogen than is presently the case.

Highway Safety

5.22 The proposal includes using the existing access from Busby Lane that currently serves the unit. To ensure this is adequate and will not compromise highway safety, the Local Highways Authority was consulted on the proposal. Initially (based on the inclusion of several holiday let units) a speed survey was requested due to the access been deemed as falling below the required visibility standards. When the scheme was amended this was deemed to be no longer necessary and based on the fact vehicular movements will actually be reduced as a result of the development, it has been found to be acceptable on highway safety grounds.

Planning Balance

5.23 Officers are content that the proposed agricultural workers dwelling meets all requirements for such proposals set out in policy HG4 of the Local Plan. Consequently, it gains support in principle from local policy. It has been demonstrated the design of the proposal and subsequent impact on the open countryside are acceptable. Using the Natural England nitrogen calculator it has also been demonstrated that no additional harm will arise insofar as the impact on the Teesmouth and Cleveland Coast SPA. No technical issues or consultee responses

indicate any other concerns with the development. On that basis, approval is recommended.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 317/15 and 317/12 revision C received by Hambleton District Council on 06.06.2022 unless otherwise approved in writing by the Local Planning Authority.
 3. The package treatment plant identified on the certificate issued by received by Testing Institute for Wastewater Technology received by Hambleton District Council on the 04.10.2022 shall be installed and be fully operational prior to the occupation of the dwelling hereby approved.
 4. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.
 5. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 6. The mitigation measures outlined in section 9 of the Bat, Breeding Bird and Barn Owl Survey prepared by MAB Environment and Ecology and received by Hambleton District Council on 26.07.2022 must be implemented in full. This includes works commencing outside of bird nesting season (March - August).
 7. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
3. To ensure the nitrogen discharge from the development is at an acceptable level to protect the Teesmouth and Cleveland Coast SPA.
4. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
6. To ensure the protection of protected species.
7. In the interests of ensuring open market dwellings are directed to sustainable locations, as per the aims of policies S1 and HG4 of the Local Plan.